IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2236 of 1986
With
SPECIAL CIVIL APPLICATION No. 2260 of 1986
With
SPECIAL CIVIL APPLICATION No. 2421 of 1986
With
SPECIAL CIVIL APPLICATION No. 2419 of 1986

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG
HONOURABLE MR.JUSTICE BANKIM.N.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SMT. BHAGWANT KAUR W/O.SURINDER SINGH. - Petitioner(s)

Versus

THE STATE OF GUJARAT NOTICE TO BE SERVED ON & 1 - Respondent(s)

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Appearance :
MR JP PATEL for Petitioners- present
MR UDAY R BHATT, AGP for Respondents- present.
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CORAM : HONOURABLE MR.JUSTICE R.S.GARG
and
HONOURABLE MR.JUSTICE BANKIM.N.MEHTA

Date : 07/03/2006

COMMON ORAL JUDGMENT

(Per : HONOURABLE MR.JUSTICE R.S.GARG)

1. This judgment shall dispose of Special Civil Applications Nos. 2260 of 1986, 2421 of 1986 and 2419 of 1986.

2. Though name of Mr. J.P. Patel is shown as counsel for the petitioners, but none appears for them. Mr. Uday R. Bhatt, learned AGP appears for the respondents.

3. By these petitions under Article 226 of the Constitution of India, the petitioners propose to challenge the circular/letter dated 27.2.1986, issued by the Director of Transport, Gujarat State, Ahmedabad, wherein, the said Director has observed that if the tourist vehicle is committing a particular breach, then, action in accordance with Section 129-A of the Motor Vehicles Act be taken and the conditions attached by the Apex Court, specially conditions nos. [1], [2], [3],[4],[5],[9], [10] and [12] in its order dated 30th January, 1986 be adhered to. It was also directed by the Director that the bus operators, who do not act in accordance with the directions of the Supreme Court and provisions of the Motor Vehicles Act, action be taken under Section 42/123 of the Motor Vehicles Act. During pendency of the present writ petitions, matters pending before the Supreme Court came to be dismissed as infructuous and an order was passed by the Supreme

Court in Civil Misc. Petition No. 20439 of 1986 in Civil Appeal No. 2348 of 1985.

4. On 1st January, 1987, these facts were brought to the notice of the Division Bench, which, after taking into consideration the order passed by the Supreme Court observed that fresh Act and Rules have been framed having statutory force with regard to the conditions of permit. The Division Bench further observed that the authorities concerned, irrespective of the order passed in these cases on 17th June, 1986, can take appropriate steps in accordance with the Act and the Rules now framed.

5. When the Act and Rules have already been framed and the State Government and its officers have to take action in accordance with the said Act and the Rules, we do not think at this stage we are required to consider the correctness, validity or propriety of the circular/letter dated 27.2.1986. The petitions are accordingly disposed of. Rule is discharged in each of the petition. No costs.

[R.S.GARG, J.]

[BANKIM.N.MEHTA, J.]

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